



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Anabelle Rodriguez,
Police Officer (S9999U), Borough of
Sayreville

List Removal Appeal

CSC Docket No. 2019-3406

ISSUED: APRIL 17, 2020 (SLD)

Anabelle Rodriguez appeals the Borough of Sayreville’s (Sayreville) request to remove her name from the eligible list for Police Officer (S9999U), on the basis that she failed to respond to the certification notice.

The appellant, a non-veteran, took and passed the open competitive examination for Police Officer (S9999U), which had a closing date of August 31, 2016. The resulting eligible list promulgated on March 29, 2017 and expired on March 30, 2020.¹ The appellant’s name was certified to the appointing authority on November 16, 2018. In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis that she failed to respond to the certification notice

In support of her appeal to the Civil Service Commission (Commission), the appellant submits a sworn, notarized statement indicating that she received the certification notice on November 30, 2018 and that she mailed her response on December 1, 2018. The appellant asserts that the notice date of the certification was November 26, 2018 and therefore her December 1, 2018 response was mailed within the five-day time period.

The appointing authority, despite being provided the opportunity, did not present any arguments or documentation for the Commission’s review.

¹ The original expiration date of March 30, 2019 was extended for one year.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)6 provides that an eligible's name may be removed from a list for "non-compliance with the instructions listed on the notice of certification." *N.J.A.C.* 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove her name from an eligible list was in error.

The appointing authority requested the removal of the appellant's name from the subject eligible list on the basis of her failure to respond to the November 16, 2018 certification. However, the appellant has submitted a sworn, notarized statement, attesting to the fact that she received the certification notice on November 30, 2018 and that she mailed her response on December 1, 2018. While there is a presumption that mail correctly addressed, stamped and mailed was received by the party to whom it was addressed, the appellant has rebutted that presumption in submitting her sworn, notarized statement. *See SSI Medical Services, Inc. v. State Department of Human Services*, 146 *N.J.* 614 (1996); *Szczesny v. Vasquez*, 71 *N.J. Super.* 347, 354 (App. Div. 1962); *In the Matter of Joseph Bahun*, Docket No. A-1132-00T5F (App. Div. May 21, 2001). Thus, it is appropriate that her name be restored to the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Police Officer (S9999U), Sayreville be revived in order for the appellant to be considered for appointment at the time of the next certification for prospective employment opportunities only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15TH DAY OF APRIL, 2020



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Daniel Frankel
Anabelle Rodriguez
Kelly Glenn